

A Kantian argument against world poverty

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DOI:

[10.1177/1474885116662566](https://doi.org/10.1177/1474885116662566)

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Document Version

Peer reviewed version

Citation for published version (Harvard):

Reglitz, M 2019, 'A Kantian argument against world poverty', *European Journal of Political Theory*, vol. 18, no. 4, pp. 489-507. <https://doi.org/10.1177/1474885116662566>

[Link to publication on Research at Birmingham portal](#)

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Checked for eligibility: 01/12/2016

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<http://ept.sagepub.com/content/early/2016/08/10/1474885116662566>

doi: 10.1177/1474885116662566

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A Kantian Argument against World Poverty

Abstract: Immanuel Kant is recognized as one of the first philosophers who wrote systematically about global justice and world peace. In the current debate on global justice he is mostly appealed to by critics of extensive duties of global justice. However, I show in this paper that an analysis of Kant's late work on rights and justice provides ample resources for disagreeing with those who take Kant to call for only modest changes in global politics. Kant's comments in the Doctrine of Right clarify that he thinks we need a coercively enforced global civil condition. But his work also contains ideas that imply that within such a global legal order there must be no extreme forms of poverty and inequality, and that the current holdings of states are by no means conclusive possessions without confirmation by the global legal order we have a duty to establish. Thus, this paper challenges the prevailing interpretation of Kant as a conservative thinker about global justice that is held, for instance, by the leading contemporary liberal thinkers such as John Rawls, Thomas Nagel, and Ronald Dworkin.

One of the major debates in contemporary political philosophy concerns the question: what duties arise in the face of the existing absolute deprivation and poverty in our world? A major fault-line in this debate exists between philosophers who hold that this kind of poverty gives rise to enforceable duties of justice¹ and others who argue that absolute deprivation only justifies non-enforceable moral duties of humanitarian aid. Advocates of the latter position include some of the main proponents of liberal egalitarianism such as Ronald Dworkin² and Thomas Nagel.³ In

¹ Among this group are Simon Caney, *Justice beyond Borders: A Global Political Theory* (Oxford: Oxford University Press, 2005) and Thomas Pogge, *World Poverty and Human Rights* (Cambridge: Polity, 2002).

² Ronald Dworkin, "A New Philosophy for International Law," *Philosophy & Public Affairs* 41 (2013): 2-30.

³ It has been argued that Nagel's remarks on humanitarian concern for the poorest ("The Problem of Global Justice," *Philosophy & Public Affairs* 33 (2005), 113-147, p. 118) can be interpreted as to

their view, duties of distributive justice to beneficially eliminate poverty are not independent of the institutional context in which this deprivation occurs: both Nagel and Dworkin are explicit that if a certain institutional scheme (similar to that of nation states that exercise power in the name of and over their subjects) were to exist globally, everyone that lived within this common scheme would have distributional obligations toward all others subject to the same scheme. However, currently there is no coercive international institutional context of the sort that would generate (either egalitarian or weaker) distributive duties of justice. Further, Nagel,⁴ Dworkin,⁵ and John Rawls⁶ all deny with reference to the work of Immanuel Kant that there is a duty to establish such an institutional scheme.⁷

In agreement with this last point, Katrin Flikschuh⁸ has argued that from a Kantian perspective the idea of a coercive supra-national institution is a conceptual contradiction and thus impossible. If these arguments are correct, global distributive

amount to something similar to Rawls's 'duty of assistance' (*The Law of Peoples* (Cambridge, Mass.: Harvard University Press, 2001), p. 106). Nagel, too, would then accept some sort of global sufficientarian duty of justice. However, it is not clear how a distinction between domestic egalitarian entitlements (that are based on being a participant in particular social practices) and global sufficientarian claims of justice (that are not participation-based) can be justified. The Kantian conception of justice presented in this paper has the advantage that it offers one scheme of distributive justice that coherently applies to the domestic as well as to the global level.

⁴ Nagel, "The Problem of Global Justice," p. 121.

⁵ Dworkin, "A New Philosophy for International Law," p. 29.

⁶ Rawls, *The Law of Peoples*, p. 36.

⁷ In their rejection of the idea of a world state, Rawls (*The Law of Peoples*, p. 36) and Nagel ("The Problem of Global Justice," p. 117) refer to Kant's arguments in *Perpetual Peace*.

⁸ Katrin Flikschuh, "Kant's Sovereignty Dilemma: A Contemporary Analysis," *Journal of Political Philosophy* 18 (2010): 469-493.

duties of justice to fight poverty are either not administrable or (if we follow leading liberal egalitarians) non-existent from a moral point of view. What we have to hope for, then, is that those in a position to help fulfill their general but unenforceable duties of charity to come to the aid of those starving to death or dying for lack of clean water or health care. As a look at our world shows, the poverty-stricken should not get their hopes up too high that such charity will be forthcoming to a degree that could really enable them to escape their situation. In this paper I will show that from the Kantian perspective accepting the view that poverty merely gives rise to humanitarian duties is mistaken. Contrary to Flikschuh's view I argue that – if we accept Kant's theory of justice – we have a duty (a) to create coercive political institutions that span the entire globe; and (b) to eradicate any poverty within this scheme since poverty that undermines people's independence renders any legal scheme illegitimate.

In recent years there has been an increased interest in Kant's political theory and its implications. Kant's particular conception of rights as relational claims that contain the authorization to use coercion has been thoroughly explored in a number of illuminating studies.⁹ However, given Kant's pessimistic remarks about global

⁹ See, for instance, Katrin Flikschuh, *Kant and Modern Political Philosophy* (Cambridge: Cambridge University Press, 2002); Otfried Höffe, *Kant's Cosmopolitan Theory of Law and Peace* (Cambridge: Cambridge University Press, 2006); Arthur Ripstein, *Force and Freedom: Kant's Legal and Political Philosophy* (Cambridge, Mass.: Harvard University Press, 2009); Sharon Byrd, Joachim Hruschka, *Kant's Doctrine of Right: A Commentary* (Cambridge: Cambridge University Press, 2010); Elisabeth Ellis, *Kant's Political Theory: Interpretations and Applications* (University Park: Pennsylvania State University Press, 2012); Pauline Kleingeld, *Kant and Cosmopolitanism. The Philosophical Ideal of World Citizenship* (Cambridge: Cambridge University Press, 2012); and Helga Varden, "Kant's Non-Absolutist Conception of Political Legitimacy: How Public Right 'concludes' Private Right in the 'Doctrine of Right'", *Kant-Studien* 101 (2010): 331-351.

institutions in *Perpetual Peace*, and the fact that his theory of Right does not dictate any particular scheme of rights, the resources contained in his late work on justice and rights (see his *Doctrine of Right*) for addressing the issue of global poverty have not been utilized. It is the aim of this paper to redress this deficiency.¹⁰ Living in a world of almost exclusively absolutistic governments, Kant's primary concern in his theory of Right certainly was not with the idea of a global legal order but rather with criticizing the despotic governments of the states that existed at that time, and with theorizing what a just order would have to look like at the domestic level. But given that his work does include concepts and remarks that point toward the idea of a global scheme of rights as the full realization of a rightful condition for all of humanity, working out the contours of this idea is a legitimate project in its own right, which (as will become clear) also has the virtue of lending greater coherence to his theory of justice as a whole.

My argument proceeds in the following way: in the first section I will briefly outline the main aspects of Kant's theory of Right that are essential for the argument advanced in this paper. The second section shows how Kant's argument for the duty to enter into a civil condition ultimately leads to the demand to create some kind of coercive global institution that involves the will of everyone. In the third section I

¹⁰ All references to Kant's works refer to the Prussian Academy edition with Roman numerals indicating the volume number and Arabic numerals referring to the page number. Further, DR stands for *The Doctrine of Right*, PP for *Toward Perpetual Peace*, TP for *On the Common Saying: 'This May be True in Theory, but it Does Not Apply in Practice'*, UH for the *Idea of a Universal History with a Cosmopolitan Purpose*, DV for *The Doctrine of Virtue*, and GW for *The Groundwork of the Metaphysics of Morals*. Translations are taken from the Cambridge edition of Kant's collected works (*Practical Philosophy* (1996), translated by Mary Gregor, and *Anthropology, History, and Education* (2007), translated by Allen Wood).

explain why poverty is impermissible within the Kantian theory of justice. In a fourth section I then present the Kantian solution to world poverty that consists of a combination of the preceding ideas of a global civil condition and the duty to eliminate poverty. I conclude by arguing that, if we take Kant's political theory seriously, we cannot think that our current global arrangements are legitimate nor that we do not have enforceable duties of justice to eradicate the worst forms of poverty that exist today.

1. Kant's Concept of Right

Since Kant's political theory and his concept of Right have been extensively analyzed and reconstructed in recent years, I will limit my discussion of his theory to an account of its most essential elements insofar as they are relevant to my argument.

Kant's concept of Right is of interest to anyone who engages with the ideas of political authority and obligation because he offers an explanation of how our notions of individual rights and coercively enforceable political obligation can be reconciled. Further, Kant's theory of Right is interesting to all those who see a strong appeal in Jean-Jacques Rousseau's idea that any claim to private property has to be justifiable to those excluded from the use of the claimed object.¹¹

¹¹ In reply to the initial acquirer's claim to private property through mixing his labor with the claimed object, Rousseau replies: 'who gave you your standing [...] and what right have you to demand payment of us for doing what we never asked you to do? Do you not know that numbers of your fellow-creatures are starving, for want of what you have too much of? You ought to have had the express and universal consent of mankind, before appropriating more of the common subsistence than you needed for your own maintenance' (Jean-Jacques Rousseau, *Discourse on the Origin of Inequality* (Indianapolis: Hackett Publishing, 1992), pp. 97, 98).

Kant's ethics and his less well-known theory of Right form two independent, yet complementary parts of his practical philosophy. Whereas in his moral theory Kant focuses on the autonomy and the inner freedom (that is to say: the good will and right motives) of self-legislating individuals, in his *Doctrine of Right* he is concerned with the external freedom of persons and the conformity of their actions with the universal law of freedom irrespective of what motivates these actions. The starting point of the *Doctrine of Right* is Kant's premise that people possess equal moral worth as self-determining agents. As such, everyone has to ensure that their actions are justifiable to those whom their actions affect. This idea is captured by the fundamental 'Universal Principle of Right,' (hereafter: UPR) which states that

Any action is *right* if it can coexist with everyone's freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone's freedom in accordance with a universal law.¹²

The principle thus requires that none of my actions must prevent another person from exercising their freedom in the same manner. This is to say that we only properly respect each other's freedom and moral equality if we do not violate each other's justifiable claims to actualize our inner freedom in this world. For this reason Kant's idea of right is coupled with an authorization to coerce others into refraining from violating our freedom: coercion is in Kant's sense a 'hindering of a hindrance to freedom.'¹³ The reverse of this understanding of right is that it constitutes an entirely relational idea: the idea of a right presupposes other people against whom we can

¹² Kant, DR VI, 230.

¹³ Kant, DR VI, 231.

invoke a right claim. On an island that is inhabited by only one person there could be no rights.

Thus, what we can rightly own as individuals in the absence of any further social context (that is to say: in the absence of any political authority, in the so-called 'state of nature') are our bodies: since we are the only ones who can occupy our bodies and because our moral agency is inseparably tied to our physical existence we do not wrong others by occupying our bodies and the space they occupy. We also have a right to defend the physical integrity of our bodies from the attacks of others. This 'innate right' of freedom¹⁴ also ensures our survival in the sense that it prohibits others to take objects that we hold in physical possession with our bodies if these objects cannot be removed without injuring us.¹⁵ However, according to Kant's principle of right our claims to possessing anything beyond our bodies are much more contentious. Because owning something excludes others from its use, and since no one has a privileged claim to anything besides their bodies, any further claims to ownership are highly contestable. Within Kant's theory this distinction between our bodies and external things in consequence leads to the duty to create a state. That is, since we have to have a secure way of actualizing our freedom in the world (by owning something as property), but no person can 'unilaterally' create property claims that are binding on others, we have a moral duty to establish a civil condition. The latter is characterized by a general will formed by all members who are subject to a common authority to create and enforce public laws, and to adjudicate conflicts among the members. A civil condition thus requires representative government and

¹⁴ Kant, DR VI, 237.

¹⁵ For a detailed explanation of this point see Ernest J. Weinrib, "Poverty and Property in Kant's System of Rights," *Notre Dame Law Review*, 78 (2003): 795-828.

the division of its powers into the three familiar branches (executive, legislature, and judiciary). Here I merely want to highlight two ideas contained in Kant's argument that are important for the purposes of this paper.

First, Kant does not deny that people can legitimately lay claim to things beyond their bodies in the state of nature. The idea of the 'permissive law (*lex permissiva*) of practical reason'¹⁶ becomes necessary within his theory since, without the possibility of owning something, people could not securely make use of the very freedom that is protected by the UPR. However, everything that people claim as property by reference to the permissive law is not 'conclusively owned' but only 'provisionally' theirs. This is to say that general acknowledgement of a claim is required for conclusive ownership, and such acknowledgment can only be conferred by the general will within a civil condition.¹⁷ Contrary to Rousseau, Kant does not think of the general or omnilateral will as an empirical reality but as an *a priori* idea that becomes possible by the subordination of the members of the general will to a superior head of the civil condition.¹⁸ The subjects thus become subordinate to their representatives who can issue binding verdicts in the case of conflicting right claims of the citizens.

Second, since Kant advocates a republican form of government,¹⁹ in his view the citizens ideally elect representatives who finally determine the citizens' rights in a way that is in accordance with the citizens' status as free and equal moral beings. For

¹⁶ Kant, DR VI, 247.

¹⁷ Ibid., 264.

¹⁸ Katrin Flikschuh, "Elusive Unity: The General Will in Hobbes and Kant," *Hobbes Studies* 25 (2012): 21-42.

¹⁹ Kant, PP VIII, 349.

this purpose Kant introduces the idea of the 'original contract.'²⁰ This contract, though, is not an actual agreement requiring the consent of the governed but a standard of how the state 'ought to be',²¹ that is: of the legitimacy of the laws made by government. According to this hypothetical contract, only those laws are justifiable that '*could* have arisen from the united will of a whole people and to regard each subject, insofar as he wants to be a citizen, as if he has joined in voting for such a will.'²² As an example of an impermissible legal arrangement Kant mentions a 'the hereditary privilege of *ruling rank*.'²³ This example cannot pass Kant's test because it is a scheme that excludes most from the pursuit of social superiority or a political career²⁴ on the basis of a morally arbitrary feature (their social starting position in life).

Crucially, for Kant the need for a civil condition in which our rights can be conclusively decided (and in which our conflicts can be arbitrated) is so pressing that we are authorized to force those unwilling to subject themselves to join into this condition: 'each may impel the other by force to leave [the state of nature] and enter into a rightful condition.'²⁵ Kant, that is to say, is neither a voluntarist about political obligation nor a typical representative of the social contract tradition. In his view we are under a duty not to offend each other's moral equality by impermissibly limiting each other's choices. Since we additionally have good reasons to avoid the uncertainty

²⁰ Kant, DR VI, 315.

²¹ Ibid., 313.

²² Kant, TP VIII, 297.

²³ Ibid.

²⁴ See *ibid.*, 293.

²⁵ Kant, DR VI, 312.

and insecurity of merely provisional rights our duty to leave the state of nature and to form a civil condition is not conditional upon our agreement.

Thus, the crucial idea within Kant's political theory is that conclusive rights and the respecting of others' moral equality and freedom are only possible within a civil condition. For him we do not need the state for protecting our pre-socially determinable property rights. According to Kant, we need the state to determine what is justly ours in the first place. The question is just whether the demand for such a condition can find its ultimate realization and fulfillment within individual nation states or whether some lawful condition beyond these political units is required by Kant's theory of Right.

2. The Argument for a Global Civil Condition

Exercising our freedom by making choices and respecting those of others gives us a duty to form a state with a sovereign government and courts - superiors that act in our name.²⁶ However, the question necessarily arises whether the need to justify external possessions to others only exists among those living within the same state. Can a state simply claim some territory and the resources in it and distribute them among its citizens without owing anyone else a justification for its property claims? Or do states have to submit to the authority of supra-state institutions that can generate and enforce a global collective will that determines what each state rightfully possesses in the first place?

The question of the limits of the sovereignty of states within Kant's theory has recently attracted greater attention among philosophers. The traditional interpretation of Kant's view on this matter is based on his remarks in *Perpetual*

²⁶ Kant, DR VI, 316.

Peace. Here he famously rejects the idea of a coercive global civil condition in the form of a ‘universal monarchy’,²⁷ (in which all peoples and cultures would be fused), or in terms of an international state of nation states. In *Perpetual Peace* Kant recognizes that

In accordance with reason there is only one way that states in relation to one another can leave the lawless condition, which involves nothing but war; it is that, like individual human beings, they give up their savage (lawless) freedom, accommodate themselves to public coercive laws, and so form an (always growing) *state of nations (civitas gentium)* that would finally encompass all the nations of the earth.²⁸

But such an idea, Kant diagnoses, is not realizable since the earth’s nations ‘in accordance with their idea of the right of nations, [...] do not at all want this’,²⁹ and he thus advocates the second-best option of a voluntary association of states. It is these passages in *Perpetual Peace* that philosophers like Rawls, Dworkin, and Nagel refer to in their rejection of the idea that we have stringent duties to create global institutions. Recently, Flikschuh (2010) has defended this traditional interpretation by highlighting the conceptual argument that underlies Kant’s skeptical view on global justice.³⁰ In *Perpetual Peace*, Kant dismisses the idea of a coercively enforced common global order as

²⁷ Kant, PP VIII, 367.

²⁸ Ibid., 357.

²⁹ Ibid.

³⁰ Flikschuh, “Kant's Sovereignty Dilemma.”

A contradiction, inasmuch as every state involves the relation of a superior (legislating) to an inferior (obeying, namely the people); but a number of nations within one state would constitute only one nation.³¹

Here, Kant's main reason for rejecting the idea that states have an enforceable obligation to join under a coercive global civil condition (analogous to individuals who have a duty to form a state) is that as subjects to such a global order states would no longer be sovereign to the necessary degree. Being subject to the instructions of a higher-level authority (like coercive global institutions), states could thus not fulfill their crucial task of conclusively determining their subjects' rights. But, as was pointed out, determining the just extent of everyone's freedom and acquired property is the very reason the state is required. Thus, according to Flikschuh, 'the juridical compulsion of states would compromise their moral personality.'³²

However, this argument for the untouchable sovereignty and moral value of states obviously depends on the idea that states are in fact best placed (or capable at all) to fulfil their tasks and that there is no feasible alternative arrangement that could better achieve the same purposes. It is thus a legitimate question to ask whether Kant's conceptual arguments about the need for indivisible authority hold up to empirical scrutiny and commentators like Thomas Pogge have criticized Kant by arguing that they do not.³³ However, there is also a number of Kant scholars that offer a different interpretation of Kant's view on global justice, which they derive

³¹ Kant, PP VIII, 354.

³² Flikschuh, "Kant's Sovereignty Dilemma," p. 480. Pauline Kleingeld (*Kant and Cosmopolitanism*) agrees with this view that, to protect their special moral worth as sovereign authorities, states must not become subject to the laws that are enforced by a supra-national authority.

³³ Thomas Pogge, "Kant's Vision of a Just World Order," in *The Blackwell Guide to Kant's Ethics*, ed. Thomas Hill (Oxford: Blackwell Publishing, 2009).

from Kant's later and most developed work on justice and rights – the *Doctrine of Right*.³⁴ They argue that in this later book Kant acknowledges that establishing a global civil condition (that is coercively enforced by supra-state authorities) is not merely a desirable idea but rather a duty of justice that states have. That is, for them, Kant's own writings strongly imply that the sovereignty of states is not as untouchable or efficacious as his comments in *Perpetual Peace* presuppose.

Yet, hardly any proponent of the more recent interpretation of Kant's legal philosophy fully explores the radical implications that his theory contains.³⁵ Commentators like Otfried Höffe restrict the purpose of the mandatory global legal order to the peaceful adjudication of conflicts that arise among states whose possessions are taken as given. In Höffe's view, the problem to be solved by a supra-national authority is the dissolution of the 'residual state of nature' that exists between 'already established states.'³⁶ Louis-Philippe Hodgson, too, argues that coercive global institutions could only *supplement* existing state power to solve the assurance problem among states:

The authority the domestic state has with respect to its citizens means that whatever problem *they* face in having to share a territory is already solved. For all citizens of a state, in their dealings with one another,

³⁴ See Höffe, *Kant's Cosmopolitan Theory of Law and Peace*; Byrd and Hruschka, *Kant's Doctrine of Right*; Louis-Philippe Hodgson, "Realizing External Freedom: The Kantian Argument for a World State," in *Kant's Political Theory: Interpretations and Applications*, ed. Elisabeth Ellis (University Park: Pennsylvania State University Press, 2012).

³⁵ A notable exception is Lea Ypi, "A Permissive Theory of Territorial Rights," *European Journal of Philosophy* 21 (2012): 1-25. However, also Ypi's reading of the implications of Kant's theory is more limited than the interpretation I offer, see footnote 55.

³⁶ Höffe, *Kant's Cosmopolitan Theory of Law and Peace*, pp. 167, 168.

rights are already conclusive. If we are citizens of the same state, then there is no sense in which our rights with respect to one another are provisional – as if we could not *really* know which one of us is the rightful owner of your car until a world state was in place. Our domestic state already provides the answers to such questions.³⁷

However, there is a much more fundamental way in which states might be unable to fulfill the tasks they are charged with and that legitimize their existence. There are a number of reasons to think that states are on their own indeed incapable of even determining in a conclusive way the rightful external possessions of their citizens. If this is the case, states do not possess special moral value that would protect them from becoming subject to supra-national coercive power.

The problem arises as follows: almost all interpretations of Kant to date assume that states can justly distribute those external possessions that are within their territory. But, we have to ask, why should that be the case? Or, to phrase this concern more in terms of Kant's idea of right: why should people outside a state simply have to accept that this state justly possesses its territory and whatever it contains? After all, if I claim possession of a car, I do not only exclude my fellow citizens from the possibility of possessing the vehicle; I just as much exclude everyone else in the world from owning it and (what is crucial from the point of view of the UPR) make their choices with respect to that vehicle dependent on mine. Why should I be absolved from owing everyone outside my state a justification just as much as I do to my fellow citizens? And why should the limitation of the freedom of foreigners not matter for the assessment of the legitimacy of my claim?

³⁷ Hodgson, "Realizing External Freedom," p. 124.

We can better appreciate this problem if we consider what such a ‘national possession prerogative’ would mean from the point of view of Kant’s UPR. From the citizens’ perspective the prerogative implies that they merely owe each other a justification for their claims to property. Toward outsiders, though, it would be sufficient to explain that whatever citizens claim as property within their state does not require justification to outsiders. These outsiders can only demand a justification of claims to external possessions from their own fellow citizens.³⁸ From the perspective of an outsider, though, there simply is no right to a justification of the property claims of the citizens of other states. The mere fact that they happen to not share in the united will of this other state is a contingent but sufficient reason to preclude such a right to justification. This situation, though, seems to be clearly at odds with the very idea of the UPR. It is difficult to see why Kant names the principle the ‘*Universal Principle of Right*’ if it is not intended to apply to all of humanity equally, and in its formulation there is no explicit restriction of the range of the principle to the freedom of compatriots: it does not limit the need to justify property claims to the borders of states. The principle rather suggests that such justification is owed globally (universally) and that property claims remain indeterminate until such a justification via a global united will is given.³⁹ And this is precisely what Kant

³⁸ Of course, it is normally permitted for foreigners to purchase property within another country. However, such acquisitions are contingent on the will of the state and if a state would prohibit foreign investment on the standard reading of Kant’s theory of right, this state would owe foreigners no further justification for this exclusion.

³⁹ One might think that this overstretches the meaning of the word ‘universal’ in universal law that Kant intends since in the German original he uses the term ‘allgemein’ – which can also mean general. However, Kant also refers to the Categorical Imperative as the method for determining universal or general laws (‘allgemeines Gesetz’, see Kant, GW IV, 421). It seems thus plausible to hold that the meaning of ‘universal’ that applies in the case of the Categorical Imperative (which requires that

unmistakably affirms in the *Doctrine of Right* – albeit in a few passages. When discussing the idea of public right that alone can render property claims secure, Kant asserts that

Even if [the problem of the indeterminacy of claims to private property] is solved through [a domestic] original contract, such acquisition will always remain only provisional unless this contract extends to the entire human race.⁴⁰

It therefore seem clearly insufficient to argue, on Kantian grounds, that the citizens of a state do not owe outsiders a justification for the possessions they distribute among themselves within their state because these outsiders are not members of this state.⁴¹

maxims are justifiable to all people, not just compatriots) is the same as is the case of the UPR. We would need an additional reason to think that two different senses of ‘universal’ apply with respect to these two principles.

⁴⁰ Kant, DR VI, 266.

⁴¹ There is another way to understand this point: if the UPR requires universalizability in the realm of external freedom and the Categorical Imperative in the realm of inner freedom, it is not clear why the UPR should only apply among co-citizens while the Categorical Imperative applies among all persons. This is importantly *not* to say that the UPR derives from the Categorical Imperative. As commentators such as Thomas Pogge (“Is Kant’s Rechtslehre a ‘Comprehensive Liberalism’?” in *Kant’s Political Theory: Interpretations and Applications*, ed. Elisabeth Ellis (University Park: Pennsylvania State University Press, 2012): 74-100), Allen Wood (“The Final Form of Kant’s Practical Philosophy” in *Kant’s Metaphysics of Morals: Interpretive Essays*, ed. Mark Timmons (New York: Oxford University Press, 2002): 1-21), and Marcus Willaschek (“Right and Coercion: Can Kant’s Conception of Right be Derived from His Moral Theory?”, *International Journal of Philosophical Studies* 17 (2009): 49-70) have pointed out, Kant’s philosophy of Right is best understood as an independent part of his practical philosophy. However, while the UPR therefore does not derive from the Categorical Imperative, both principles are rooted in the idea of the rational autonomy of human beings. The structural similarity of these principles is thus not coincidental: while the Categorical Imperative is a requirement of reason

If we move from the level of the individual citizen to that of the community, the requirement of justification does not change. We might think, for instance, that citizens do not owe a justification for their possessions to outsiders because they form a people within their state. However, at another point in the *Doctrine of Right*, Kant also rejects such a community-based conception of distributive justice when he holds that

Any rights of nations, and anything external that is mine or yours that states can acquire or retain by war, are merely *provisional*. Only in a universal *association of states* (analogous to that by which a people becomes a state) can rights come to hold *conclusively* and a true *condition of peace* come about.⁴²

For Kant, states are not ends in themselves whose sovereignty can never be challenged. Rather, when seen in the larger context of his theory of nature and history, it becomes clear that to him states are necessary but intermediate steps in the course of the full realization of humanity's moral and rational nature.⁴³ States thus do not present the final political organization of humanity. Rather, as Christine Helliwell and Barry Hindress point out, for Kant the ultimate realization of human justice

that applies to us because for Kant we are self-legislating beings that have to take into account the legitimate interests of others in determining what actions are permissible, the UPR demands that we respect each other's rational autonomy in the physical world by ensuring 'the *coexistence* of everyone's spheres of freedom' (Marcus Willaschek, "Right and Coercion", p. 67). Given their common source and the universalizability requirement contained in both principles, it is not clear why the scope of persons whose autonomy we have respect in determining what do to should differ.

⁴² Kant, DR VI, 350.

⁴³ Kant, UH VIII, 24.

would require ‘a universal legal order backed by a power of coercion.’⁴⁴ In his treaty of the history of mankind, Kant is clear that ‘the problem of establishing a perfect civil constitution is dependent on the problem of a lawful external relation between states and cannot be solved without the latter’.⁴⁵ This is to say nothing less than that – until such a coercive global civil condition is established – no state or citizen can conclusively claim to own any external possessions at all (which outright contradicts, for instance, Hodgson’s claim above). According to Kant’s theory of right, non-citizens can always challenge such possessions on the grounds that the property arrangement could not be justified to them since they had no opportunity to take part in the making of this arrangement, and their interests were not taken into account when the domestic scheme was set up. For Kant, our world of states represents a political order that reason requires us to overcome in favor of a global legal order in which all important arrangements are justifiable to all, and in which no one is excluded from such justification on grounds that she happened to not be a member of some state or society.⁴⁶ This is to say that according to Kant’s legal philosophy, *moral*

⁴⁴ Christine Helliwell, Barry Hindress, “Kantian Cosmopolitanism and its Limits,” *Critical Review of International Social and Political Philosophy* 18 (2015), p. 32. Important in this respect is also Kant’s notion of the world originally instituting a *commercium* (a community defined by interaction and reciprocal influence), not a *communio* (a community established by human institutions; see Kant, DR VI, 352). The relevance of the idea of *commercium* is that it suggest that for Kant ‘human-made institutions such as territorially bounded states are historically contingent by-products of our haphazard efforts to come to terms with living “side by side” with one another’ (Brian Milstein, *Commercium. Critical Theory from a Cosmopolitan Point of View* (New York: Rowman & Littlefield, 2015), p. 108).

⁴⁵ Kant, UH VIII, 24.

⁴⁶ It is then a further question what institutional arrangement would best realize such a global order. It might, for instance, be thought that the best way to institutionalize such an order would be to leave its

cosmopolitanism (the view that holds that ‘all persons stand in certain moral relations to one another’⁴⁷) necessitates *legal* cosmopolitanism (the ‘concrete political ideal of a global order under which all persons have equivalent legal rights and duties – are fellow citizens of a universal republic’⁴⁸) where this means that the fundamental legal order and property scheme has to be justifiable to all. Such an order can allow for more locally applicable legal arrangements (e.g. what sort of social services the citizens of a state want to maintain). However, these more regionally specific institutions are only permissible within the limits set by a global order that is justifiable to everyone (such a global order would, for instance, have to determine what resources states have for establishing their domestic institutions in the first place).⁴⁹

coercive enforcement to the states that are subject to it. Such an organization would have many similarities with the way that European Union legislation is currently implemented in and by the union’s member states. However, while this is an interesting question of institutional design, this issue is of secondary importance in comparison to the argument this paper wants to make, namely that establishing a coercive global order is demanded by Kant’s theory of Right.

⁴⁷ Thomas Pogge, *World Poverty and Human Rights* (Cambridge: Polity Press, 2002), p. 169.

⁴⁸ Ibid.

⁴⁹ A global legal order would also not necessarily require the establishment of a world state with active citizenship for all persons. Instead, as Pauline Kleingeld argues, Kant’s cosmopolitan law (that forms an important (and irreducible aspect) of his idea of a complete world order and that regards the relations of individuals to each other) could be conceived of as ‘indirectly democratic [...] if those who determine cosmopolitan law are democratically elected representatives who are ultimately accountable to their constituents. Moreover, citizens can exercise citizenship through engaging in public deliberation in a global network of overlapping public spheres’ (Pauline Kleingeld, “Kant’s Cosmopolitan Law: World Citizenship for a Global Order,” *Kantian Review* 2 (1998): 72-90, p. 85). However, what remains unanswered here is the question whether the mandatory global hypothetical contract is to be established between states or (cosmopolitan) individuals. I have no space to answer

Such a contract, it can be said, would fulfill a necessary procedural requirement for determining what can be justly possessed in this world, in the same way that a domestic contract is the precondition of social justice within a state (thereby removing the indeterminacy concerning people's external possessions). Of course, as Kant diagnoses, such a coercive global order is currently not a realistic idea since (as was mentioned above) the citizens of the nations of the world currently are not in favor of such a development. However, assuming that forming a global contract would not be impossible for humanity (e.g. that human psychology is incapable of generating the required solidarity and thus prevents people from agreeing to such an arrangement), what reason requires is not dictated by what is popular among people now or what has been popular for centuries.

Accordingly, in the *Doctrine of Right*, coercively enforced legal schemes at the domestic, the inter-national, and the cosmopolitan (inter-citizen) level form necessarily complementary aspects of a complete scheme of rights: 'if the principle of outer freedom limited by law is lacking in any one of these three possible forms of rightful condition, the framework of all the others is unavoidably undermined and must finally collapse.'⁵⁰ Thus the relevant difference between *Perpetual Peace* and the *Doctrine of Right* is not Kant's change of heart about the realizability of the ultimate end of the principle of right – a global coercive civil condition (there is

this question but think that – given our world of states – an initial contract of this sort would have to be created between states for practical reasons. I thank one of the anonymous reviewers for pressing me on this point.

⁵⁰ Kant, DR VI, 311.

textual evidence that he did not change his view in this regard⁵¹). Rather, in the *Doctrine of Right*, Kant no longer speaks of the idea of a coercively enforced universal legal condition as a conceptual contradiction but as the ideal final end of the 'Principle of Right' (which is, from his perspective, possibly unrealizable). Kant's abandonment of the thought that a coercive global condition would be a conceptual contradiction follows from his claim that states are unable to determine conclusively the rights of their citizens: if states are unable to fulfill this task, their complete sovereignty (which would be justified by fulfilling this function) is not necessary either.

For Kant, the most basic external thing that persons can owe is land since 'in a practical sense no one can have what is movable on a piece of land as his own unless he is assumed to be already in rightful possession of the land.'⁵² With respect to some of the most pressing problems humanity faces today, though, we might have to modify this focus on land and territory. Territory and land remain, of course, important⁵³ but there are resources that are important for options that persons have to have that are not directly tied to the possession of land. First, there are resources that are fugacious (such as freshwater and fish) and possession of territory or land does not necessarily give a person a claim to these movable resources.⁵⁴ Second, there

⁵¹ Kant, DR VI, 350. However, for an argument that Kant indeed changed his mind in this respect see Sharon Byrd, Joachim Hruschka, "From the State of Nature to the Juridical State of States," *Law and Philosophy* 27 (2008): 599-641.

⁵² Kant, DR VI, 261.

⁵³ See Lea Ypi ("A Permissive Theory of Territorial Rights," pp. 7, 8) and Arthur Ripstein (*Force and Freedom*, pp. 261-266).

⁵⁴ For this point, see also Chris Armstrong, "Justice and attachment to natural resources," *Journal of Political Philosophy* 21 (2013): 1-18.

are still currently unowned resources (for instance on the bottom of the oceans or the artic) that would pose a tremendous problem for the UPR if it is understood to take national possessions as given. On the one hand, the principle would not require that outsiders are given a justification for what states possess within their territory. On the other hand, though, the principle would seem to require that unrelated persons owe each other a justification for the acquisition of unowned resources. Thus, also the question of unowned resources highlights two ways in which the traditional understanding of the *UPR* problematically gives rise to split moral obligations: with respect to what justification is owed for (nationally owned resources versus unowned resources) and concerning whom justification is owed to (co-nationals versus outsiders). Third, the determining challenge of our age, climate change, shows very clearly that there are resources (such as a clean and stable atmosphere) that are vital for the options that people have in life that are not tied to territory, and which people are not guaranteed if they possess some amount of land. As these examples show, Kant's *UPR* cannot be primarily concerned with the rightful possession of land. However, the principle can well be applied to fugacious and unowned resources if we do not presuppose that whatever states possess counts as already justified external possessions. This is because, to avoid inconsistency, the examples of fugacious and unowned resources push us toward a reading of the *UPR* that does not draw an arbitrary distinction between nationally owned resources (for which no justification is owed) and these other types of resources (possession of which requires a justifiability to our co-citizens and outsiders alike). Thus, Kant's *UPR* requires that claims to possessing territory or resources are justifiable to all who are excluded from them – which includes co-citizens and non-members alike.⁵⁵ The unilateral property claims

⁵⁵ For this point, see Lea Ypi ('A Permissive Theory of Territorial Rights', pp. 8, 21). However, contrary to Ypi the argument I make here for a coercive global civil condition is (for the reasons mentioned) not

of states thus have to be approved by some kind of global general will and cannot be accepted as authoritative without further scrutiny. That is, the territorial authority and property claims of states are always conditional upon their compatibility with the UPR.⁵⁶ This problem cannot be avoided, as Arthur Ripstein intends, by treating states' territory as identical to the bodies of persons that we have a duty to leave untouched even in the state of nature and in absence of a common authority.⁵⁷ This is because unlike persons' bodies, the extension of the territory of states is not unquestionable and thus this argument presents as a solution what is to be determined (namely the conclusive physical extent of the state).

Consequently, the logic of Kant's concept of Right gives states a stringent and enforceable duty to form a coercive global civil condition – a duty that is contrary to

limited to claims of territory but regards other kinds of resources as well. Another difference between the present account and Ypi's approach is that for Ypi, the need to justify claims to territory to all others is grounded in the fact that the Earth is finite and land thus a scarce resource (see Ypi, 'A Permissive Theory of Territorial Rights', p. 15). However, I argue, that Kant requires universal justification for claims to external possessions because in the absence of a global civil condition, in which such claims can be validated by a global legal order, these unilateral claims have to remain inconclusive since no one's will is as such an authority for anyone else. Justification, that is to say, is not necessitated by scarcity but is part and parcel of Kant's concept of right as such.

⁵⁶ It might be the case that, as Hodgson argues, a globally approved system of international law might recognize states' claims of first occupancy and demands of non-interference (Hodgson, "Realizing External Freedom," p. 117). However, until such principles are accepted by some kind of global general will and are deemed not to be the cause for states' and people's choice to become problematically dependent on each other, they cannot be taken to conclusively determine what is the legitimate property of states.

⁵⁷ See Ripstein, *Force and Freedom*, p. 228. Another author that argues for treating territory akin to persons' bodies without convincingly meeting the challenge posed here is Kjartan Koch Michalsen ("In Defense of Kant's League of States," *Law and Philosophy* 30 (2011): 291-317).

the views of Rawls, Nagel, and Dworkin. The force of this duty derives from the fact that (similar to individuals who are not members of a state) states themselves remain in an international state of nature as long as they do not subject themselves to a global constitution that determines everyone's rightful possessions. But contrary to the views of recent critics of the traditional view such a global legal scheme would not merely have to regulate the peaceful adjudication of inter-state conflicts. The global general will and the coercive international institutional scheme we still lack also will have the task of determining what rightly belongs to everyone and every state in the first place.⁵⁸ This is the radical ultimate implication of Kant's idea of rights as reciprocally coercive claims that cannot be justified unilaterally, and that a common coercive order is needed to solve this indeterminacy about external possessions.⁵⁹

⁵⁸ We might think that the same goal could be achieved if states were to enforce strictly bilateral treaties regulating property rights. However, to ensure universal determinacy and conclusiveness about such rights all states would have to sign a bilateral treaty with every other state. Such treaties, in turn, would require a fair framework in which the bilateral agreements can take place and that ensures that the powerful states do not simply impose their demands on weaker states. Further, such a framework would have to include some form of world court for adjudicating the conflicting claims of the contracting states. Thus, it seems that such a framework would itself constitute a normative global order that has the aim to ensure justice and fairness and that has to be thought of as obligatory for states.

⁵⁹ Importantly, accepting this conclusion does not require accepting the further claim that due to the need for establishing a common global order, states are permitted to use any means they see fit (e.g. war) in the pursuit of this goal (as is argued by, for instance, Lea Ypi, "Sovereignty, Cosmopolitanism and the Ethics of European Foreign Policy," *European Journal of Political Theory* 7 (2008): 349-364, p. 359). Instead, in light of the fact that some states already possess a legal order (even though an inconclusive one), those willing to establish a democratic global order might have to limit their attempts to persuade others to join their association to peaceful means like trade tariffs or embargos.

3. The Duty to support the Poor within the Civil Condition

As is well known, Kant does not offer a detailed account of what distributive justice requires within the civil condition of the state because the concrete details of the legitimate property regime that is part of the legal order are to be largely determined by the people. Thus, even if we accept the idea that according to Kant's theory of right justice requires the establishment of a coercive global legal scheme, there might be little we can identify in terms of necessary elements of this scheme. Kant is explicit that political authorities like states have the sole purpose of enabling their subjects' freedom. Thus, such authorities can only exercise their power for the purpose of maintaining and safeguarding a civil condition but not for enforcing some particular conception of the good or social justice.⁶⁰ That is, a state cannot force its citizens to do things that are not necessary for maintaining the civil condition as they would otherwise impermissibly infringe on the citizens' freedom. If the state imposes any other duties it would exceed (and thus undermine) its own purpose, namely, to enable people to exercise their freedom.

However, within Kant's theory of right, there are certain minimal requirements that any legal order and arrangement of distributive justice has to fulfill to be legitimate. If these conditions can be shown to plausibly include a ban on poverty, and the argument for the need to establish a coercive global civil condition is correct, this would show that from the perspective of Kant's theory of justice, poverty anywhere in the world would be an injustice. While this is the argument I am going to make, we first have to understand that and why for Kant poverty is incompatible with justice. The *Doctrine of Right* contains a much debated passage that suggests that this is exactly the case. When discussing the powers of the state, Kant holds that

⁶⁰ See Kant, TP VIII, 290; Ripstein, *Force and Freedom*, p. 223.

To the supreme commander [the state] there belongs *indirectly*, that is, insofar as he has taken over the duty of the people, the right to impose taxes on the people for its own preservation, such as taxes to support organizations providing for the *poor*, *foundling homes*, and *church organizations*.⁶¹

As is clear from the coercive nature of this duty, supporting the poor is not a mere humanitarian duty of virtue. Rather, it is a duty of justice that must be fulfilled if the citizens are to properly respect the freedom and moral value of their co-citizens. But since the authority of the state is based on the negative duties of the subjects to respect each other's freedom, what gives rise to this positive duty (and the correlative power to the state to raise taxes)? As has been suggested by a number of Kant scholars,⁶² the power of the state to raise money through taxes to care for the poor is best understood as yet another way in which the state ensures the freedom of its citizens. Poverty poses a great threat to people's freedom because it makes them dependent for their choices on the grace of other people.⁶³ Since they do not own anything or anything much, their options to exercise their choices are limited in a way that is objectionable from the perspective of the UPR. Thus, the state has the task to correct such a lack of freedom if it is the consequence of a property regime that is

⁶¹ Kant, DR VI, 325, 326.

⁶² See Ripstein, *Force and Freedom*; James Penner, "The State Duty to Support the Poor in Kant's Doctrine of Right," *The British Journal of Politics and International Relations* 12 (2010): 88-110; Allen Wood, "Kant and Fichte on Right, Welfare and Economic Redistribution," *International Yearbook of German Idealism* 2 (2004): 77-101; Helga Varden, "Kant and Dependency Relations: Kant on the State's Right to Redistribute Resources to protect the Rights of Dependents," *Dialogue* 45 (2006): 257-284.

⁶³ Ripstein, *Force and Freedom*, p. 274.

itself a social arrangement for which the public bears responsibility (this does not need to imply that poverty relief is a duty of justice were poverty comes about as the result unlucky or foolish as individual choices).

Nonetheless, there is a possible problem with this interpretation of the powers of the state to alleviate poverty among its subjects. When we are part of a society and engage in cooperation and exchange with others, we necessarily enter into relations of dependence with others: crucially, my freedom to own things depends on other's choice because all our choices determine the price of pursuing formally available options. Why then, we might ask, are relations of economic dependence that can lead to the impoverishment of some morally problematic within Kant's theory of right, which only entails the formal criterion of the UPR but no concrete required distributions? After all, poverty does not undermine the freedom of people if we understand this freedom in purely negative terms. Why should we not agree with F.A. von Hayek⁶⁴ that Kant's idea is that of a libertarian state that is not permitted to engage in redistribution and welfare provisions but whose only task is to safeguard the external freedom of its citizens with coercive means?

The reason for thinking that the Kantian state is not merely permitted, but indeed required, to engage in redistributive efforts so as to eliminate poverty among its subjects is that according to the idea that claims to external possessions remain contentious outside a common legal scheme, property is a social construct that must be justifiable to everyone as free and equals. As mentioned above, according to Kant's standard of political legitimacy, any political arrangement must be such that 'it is [...]

⁶⁴ Friedrich A. von Hayek, *Law, Legislation and Liberty. Volume II: The Mirage of Social Justice* (Chicago: University of Chicago Press, 1976).

possible that a people could agree to it.’⁶⁵ Thus, Ripstein points out, according to this hypothetical contract test, ‘anything that could not be the object of agreement cannot give rise to enforceable private rights, including enforceable property rights.’⁶⁶ Consequently, there is no reason to think that people would agree to a property regime that would allow for some or many of them to end up in a situation in which they own next to nothing besides their own bodies, and in which they have no opportunities to exercise their freedom without the invitation of others – that is: a situation in which they are personally dependent on the will of others to an absolute rather than a relative degree. The possibility of such personal dependence is incompatible with the UPR and could not be the outcome of a united will of these people who respect each other as free and equals either.⁶⁷ Thus, we can assert prior to any collective political determination of the details of social justice that under any property regime the state has the task to ensure that everyone has some minimal possessions that ensure them a minimal range of options to make choices independently of the will of others. The Kantian state therefore has to have the power (and its citizens a regarding prior duty) to ensure that everyone disposes over more than the mere means of substance,⁶⁸ and for this purpose to provide publically funded collective goods like public places, health care, education, and equality of opportunity.⁶⁹ Within the Kantian state, poverty is almost always an unjustifiable, socially generated injustice, which becomes clear in light of his remarks on beneficence in the *Doctrine of Virtue* where he states that

⁶⁵ Kant, TP VIII, 297.

⁶⁶ Ripstein, *Force and Freedom*, p. 277.

⁶⁷ Ibid., p. 279.

⁶⁸ Allen Wood, “Kant and Fichte on Right, Welfare and Economic Redistribution,” p. 83.

⁶⁹ Ripstein, *Force and Freedom*, p. 287-299.

Having the resources to practice [...] beneficence as depends on the goods of fortune is, for the most part, a result of certain human beings being favored through the injustice of the government, which introduces an inequality of wealth that makes others need their beneficence.⁷⁰

Consequently, even though Kant restricts the powers and the functions of the state to ensuring the freedom of its members, this is not to deny that his 'account actually identifies issues of economic justice as lying at the heart of a state's legitimacy.'⁷¹ Kantian justice, that is to say, rules out absolute poverty and dependence on others and mandates redistribution where such dependence looms.

4. The Kantian Argument against World Poverty

At this point, the Kantian solution to world poverty emerges as a combination of the ideas that were discussed so far. If we accept the claims (A) that according to the original contract test, Kant's theory includes a duty to eliminate poverty as a necessary condition of the legitimacy of any legal order, and (B) that humanity has the duty to create a coercive global condition to enable conclusive external possessions, it follows that no one must live in poverty anywhere within this global civil condition lest the entire scheme of justice and property rights be illegitimate.⁷²

The argument proceeds in formal terms as follows:

⁷⁰ Kant, DV VI, 454.

⁷¹ Helga Varden, "Kant and Dependency Relations," p. 274.

⁷² Kleingeld advances a similar Kantian argument for a duty to eliminate world poverty. However, in her view this duty is conditional upon the existence of something like a world republic and nothing in Kant's theory makes the establishment of such an international authoritative structure a duty (Kleingeld, *Kant and Cosmopolitanism*, p. 146). For an interpretation of Kant's international theory

1. We only exercise our freedom rightly if our actions conform with the valid claims to freedom of choice and actions of others (the UPR).
2. While no one has a privileged claim to things external to their own bodies, we all must be able to possess things external to us so as to be able to make choices and to act.
3. We may only possess things if doing so satisfies the requirements of the UPR. However, no one of us is naturally an authority for anyone else, and thus nobody can bind others by their own will.
4. Given our need for external possessions and our inability to obligate others to respect our choices, we all have to enter into a civil condition such as provided by the legal order of the state and to submit to the state's authority. Only thus can the state determine rights to private property that are not offensive to the value of the moral equality and the innate right of others.
5. We can rightly possess property only within a civil condition.⁷³
6. The need to justify our possessions to others does not stop at the borders of our state. By owning things we also exclude all non-citizens from possessing the same things, even though we (or our state) do not have a privileged claim to these things. We therefore need to establish a global civil condition that coercively enforces some scheme of private property.

that argues for international solidarity with the poor but rejects the idea that states have to create a coercive international scheme of justice see Howard Williams, "Towards a Kantian Theory of International Distributive Justice," *Kantian Review*, 15 (2010): 43-77, p. 49.

⁷³ See Kant, DR VI, 264.

7. We can rightly and conclusively possess property only within a global civil condition.⁷⁴
8. According to the standard set by the idea of the original contract, no scheme of private property is legitimate if it allows for some persons involuntarily, and due to poverty, to slide into conditions that undermine their independence and moral equality as self-determining agents.⁷⁵
9. It follows from 5, 7, and 8 that we have to establish a global civil order that provides support for everyone who cannot ensure their own survival and minimal independence from the choices of others. Consequently, the existence of poverty renders any legal scheme that causes it illegitimate. This is true for the required (but yet missing) global civil condition as it is for any possible sub-scheme (like states) within this global legal order.⁷⁶

In essence, this Kantian argument against world poverty turns many arguments of current liberal theorists (who refer to Kant in making their arguments) on their heads as it leads to conclusions these thinkers reject. Among these conclusions are that (a) global justice and distributive justice in general require the establishment of a coercive global order in which all have an equal say, that (b) the current holdings of nation states cannot be taken as given but have to be either confirmed by, or revised

⁷⁴ Kant, DR VI, 266.

⁷⁵ See *ibid.*, 326; and Kant, TP VIII, 297.

⁷⁶ We can imagine a situation in which there exists a legitimate global civil condition that prohibits poverty and supplies all nation states with the resources necessary to guarantee freedom from poverty. Yet despite all these provisions such poverty might continue to exist in one of these nation states. In this case, the existence of poverty would not render the entire global civil condition illegitimate. Rather, the state that would allow poverty to persist within its borders would lose its moral justification.

as part of this global legal order, and (c) the fight against existing poverty is a matter of justice and not of charity. The fact that no coercive global order exists to date does not absolve us of our duty to fight poverty; the lack of such a global institutional arrangement rather presents yet another kind of injustice that is added to the existence of poverty and that is committed by those who resist the creation of a coercive global order. Thus, the Kantian argument against world poverty ultimately implies that within a justifiable global scheme much of the currently existing inequality would be impermissible.

5. Conclusion

If we follow Kant's arguments in the *Doctrine of Right*, his theory of justice provides a definite answer to the modern question of whether states are under a duty to establish a coercive universal international law that requires the involvement of some sort of global common will. In connection with Kant's idea of the hypothetical original contract, his theory also implies that existing poverty gives rise to enforceable obligations to eradicate this evil and not merely to unenforceable humanitarian duties of assistance.

It is of course a prior question whether we accept Kant's conception of Right. However, everyone who accepts Kant's political theory has to disagree with some of the main contemporary liberal egalitarian on three counts: according to Kant (1) we cannot reject the idea that there is a duty to create a global coercive scheme of law and justice; (2) there is no question of whether there is any leeway for us in fighting global poverty; and (3) the current holdings of nation states are inconclusive and subject to approval or revision by a legal order. The existence of poverty and massive inequalities that lead to personal dependence is unacceptable if we are to appropriately respect the moral value and freedom of others and to rightfully exercise

our own freedom. Within Kant's political theory, the existence of poverty generally signals that we exercise our freedom in unjustifiable ways – regardless of whether we have already created a global civil condition or not. One additional implication of my argument is that the champions of liberal egalitarianism must either (a) forgo supporting their rejection of extensive duties of global distributive justice by appealing to Kant; or (b) revise their accounts of global justice. In the former case their works would be of less Kantian pedigree than is often thought.

Acknowledgments

For helpful comments on previous drafts I thank Rainer Forst, Mike Griffin, Brian Milstein, Darrel Moellendorf, Andres Moles, Helga Varden, Marcus Willaschek, and audiences in Bad Homburg, Budapest, Montréal, and Münster. I am also grateful for the suggestions of two anonymous referees of the *European Journal of Political Theory*, which have helped improve the paper.

Declaration of conflicting interests

The author declared no potential conflicts of interest with respect to the research, authorship and/or publication of this article.

Funding

The final version of this publication was supported by the German Research Foundation (DFG) funded Cluster of Excellence 'Normative Orders' at the Goethe University Frankfurt am Main.